

AMENDMENTS TO THE CLAIMS

Listing of Claims

The following listing of claims replaces all previous listings or versions thereof:

1. (Withdrawn) A recombinant animal virus derived from a virus which naturally not uses humans or other animal species as a host or dead-end host, being replication-competent or -deficient in and having the ability to transduce primary cells *in vitro* with a multiplicity of infection of less than 1, said primary cells derived from organisms being not the natural or dead-end host.
2. (Withdrawn) The recombinant animal virus according to claim 1, further having the ability to efficiently transduce cells *in vivo* at low particle numbers in the range of less than 10^6 to 10^8 particles per organism.
3. (Withdrawn) The recombinant animal virus according to claim 2, wherein the transduction results in a biologically measurable induction of an immune response, expression of a transgene product sufficient to induce preventive or therapeutic or diagnostic effects in the treated organism.
4. (Withdrawn) The recombinant animal virus according to claim 1, said virus being an equine herpesvirus.
5. (Withdrawn) The recombinant animal virus according to claim 1, wherein said primary cells are derived from human beings, pet animals or livestock.
6. (Withdrawn) The recombinant animal virus according to claim 1, comprising a transgene.

7. (Withdrawn) The recombinant animal virus according to claim 1, lacking at least one gene which is essential for replication in its natural host or cells or cell lines derived thereof.
8. (Withdrawn) The recombinant animal virus according to claim 1, comprising ORI_S and/or ORI_L, and the packaging (pac) sequences.
9. (Currently amended) A method of treating or preventing a disease comprising administering to a subject in need thereof a ~~derived from a virus which naturally not uses humans or other animal species as a host or dead end host,~~ recombinant equine herpesvirus being replication-competent or -deficient in and having the ability to transduce primary cells *in vitro* with a multiplicity of infection of less than 1, said primary cells ~~derived from organisms being not the natural or dead end host~~ being of human or animal origin, wherein said recombinant ~~animal virus~~ equine herpesvirus is administered at low particle numbers in the range of ~~less than~~ about 10⁶ to 10⁸ particles per dosage, and wherein said recombinant equine herpesvirus comprises a prophylactic and/or therapeutic foreign nucleic acid sequence.
10. (Canceled)
11. (Withdrawn) A primary cell transduced with the recombinant animal virus according to claim 1.
12. (Withdrawn) A packaging cell line harboring at least one recombinant animal virus according to claim 1, wherein said recombinant animal virus lacks virus packaging sequences, ORI_S and/or ORI_L, but provides and complements the required and essential genes removed from the vectors for virus DNA packaging *in trans*.
13. (Canceled)